

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES WALTER WEBER,

Plaintiff,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

CASE NO. **3:21-cv-05862-BHS-DWC**

ORDER TO SHOW CAUSE

Plaintiff, through counsel, filed a complaint in state court. Dkt. 1-2. On November 29, 2021, Defendants filed a notice of removal. Dkt. 1.

On December 6, 2021, Defendants filed an answer. Dkt. 6. On February 9, 2022, counsel for Defendants filed a notice stating that the following Defendants waived service: Donald Holbrook, Robert Jackson, Scott Russell, Steven Sundberg, Creedence Windle, and Lee Young. Dkt. 8. In his complaint, Plaintiff also named Eleanor Verness, Christopher Bowman, and Charles Pease, III (“Unserved Defendants”) as Defendants. Dkt. 1-2 at 1.

“[O]nce a case is removed to federal court, a plaintiff has [90 days] days to effect service of process on all defendants” *Whidbee v. Pierce Cty.*, 857 F.3d 1019, 1023 (9th Cir. 2017);

1 *see also Bell v. Olson*, No. C21-781-JCC-SKV, 2021 WL 6805630, at *2 (W.D. Wash. Dec. 9,
2 2021) (“In an action removed from state court, the 90–day period to serve process runs from the
3 date of removal to federal court, rather than the date the action was filed in state court.”
4 (alterations adopted) (collecting cases)), *report and recommendation adopted*, 2022 WL 445040
5 (W.D. Wash. Feb. 14, 2022); Fed. R. Civ. P. 4(m).

6 Here, the 90-day service period expired on February 28, 2022. Plaintiff has not filed
7 returns of service for the Unserved Defendants. Nor has he filed a motion for extension of time
8 or otherwise attempted to explain why he has not filed returns of service for the Unserved
9 Defendants.

10 Accordingly, by **April 7, 2022**, Plaintiff is ordered to **SHOW CAUSE** why the
11 Unserved Defendants should not be dismissed without prejudice for failure to timely serve
12 process on them.

13 Dated this 7th day of March, 2022.

14 

15 _____
16 David W. Christel
17 United States Magistrate Judge
18
19
20
21
22
23
24